

**4935. Adulteration of macaroni. U. S. v. 35 Cartons of Macaroni (and 3 additional seizure actions against macaroni). Default decrees of condemnation and destruction.** (F. D. C. Nos. 9511, 9512, 9845, 9846. Sample Nos. 44921-F, 44922-F, 45144-F, 45147-F.)

On March 12 and April 22, 1943, the United States attorney for the District of New Jersey filed libels against a total of 58 cartons of macaroni at Newark, N. J., and 21 cases and 42 cartons at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about February 22 and March 29, 1943, by the Refined Macaroni Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4936. Adulteration of macaroni. U. S. v. 14 Boxes of Macaroni (and 2 additional seizure actions against macaroni). Default decrees of condemnation and destruction.** (F. D. C. Nos. 9458 to 9460, incl. Sample Nos. 17189-F, 17191-F, 17192-F, 18515-F.)

On March 2, 1943, the United States attorney for the District of New Jersey filed libels against a total of 38 boxes of macaroni at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 26 and February 3, 1943, by G. Santoro & Sons, Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Santoro Grade A Macaroni."

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4937. Adulteration of macaroni. U. S. v. 19 Cases and 8 Cases of Macaroni. Default decree of condemnation and destruction.** (F. D. C. No. 9576. Sample No. 12950-F.)

This product had been stored under insanitary conditions after shipment and, when examined, the cases had been gnawed by rodents, mouse pellets were found on the cases, and the floor was covered with mouse pellets, debris, and macaroni which had spilled through rodent-gnawed holes in the packages. Examination of samples of the product showed the presence of mouse pellets and rodent hairs.

On March 29, 1943, the United States attorney for the District of Idaho filed a libel against 27 cases of macaroni at Lewiston, Idaho, in the possession of Morgan Bros. & Co., alleging that the article had been shipped in interstate commerce on or about September 30, 1942, from Spokane, Wash.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Taystie Brand Cut Macaroni \* \* \* [or 'Elbow Macaroni']."

On April 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4938. Adulteration of spaghetti and macaroni. U. S. v. 282 Cases of Spaghetti and 237 Cases of Macaroni. Consent decree of condemnation. Product ordered destroyed.** (F. D. C. No. 9482. Sample Nos. 33611-F, 33612-F.)

On March 4, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 282 cases of spaghetti and 237 cases of elbow macaroni at Erie, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about December 14, 1942, to January 28, 1943, by the Gioia Macaroni Co. from Rochester, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The articles were labeled in part: "Brimful Brand Spaghetti [or 'Elbows'] Distributed by Kitchen Products Inc. Chicago," or "Blue and White Elbows Macaroni [or 'Spaghetti']."

On June 22, 1943, the sole intervenor, the shipper, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**4939. Misbranding of macaroni and spaghetti. U. S. v. 85 Cases of Macaroni and 147 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for relabeling and repackaging.** (F. D. C. No. 9435. Sample Nos. 9775-F, 9776-F.)

This product was short of the declared weight.

On March 3, 1943, the United States attorney for the Northern District of Texas filed a libel against 85 cases of macaroni and 147 cases of spaghetti at Dallas, Tex.,

alleging that the articles had been shipped in interstate commerce on or about December 18, 1942, by the Gooch Food Products Co. from Lincoln, Nebr.; and charging that they were misbranded. They were labeled in part: (Package) "Gooch's Best 100% No. 1 Macaroni [or "Spaghetti"] \* \* \* Net Weight 7 Oz."

The articles were alleged to be misbranded in that the statement "Net Weight 7 Oz." was false and misleading since it was incorrect, and in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 19, 1943, the Gooch Food Products Co. having appeared as claimant, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling and repackaging under the supervision of the Food and Drug Administration.

## CHOCOLATE AND SUGAR PRODUCTS

### CANDY

**4940. Adulteration of candy. U. S. v. Jacques Vauzanges, an individual, acting as general manager of Chocolat-Menier. Plea of guilty. Fines, \$1,000 on count 1; \$500 on each of the remaining counts 2 to 9, inclusive, and 3 months imprisonment on each of the same counts, to run concurrently. Fines and prison sentences suspended on counts 2 to 9, inclusive, and defendant placed on probation for 2 years. (F. D. C. No. 9617. Sample Nos. 17184-F, 17185-F, 18413-F, 18414-F, 44565-F, 44566-F, 44571-F, 44573-F, 44574-F.)**

Samples of this product were found to contain one or more of the following types of filth: Hairs similar to rodent hairs, rodent hair fragments, wood splinters, small fragments of dirt, metal fragments, carbon, pebbles, clay fragments, paper and paint fragments, rodent excreta fragments containing rodent hairs, rodent excreta, human hairs, insect fragments, and larvae capsules.

On May 12, 1943, the United States attorney for the District of New Jersey filed an information against Jacques Vauzanges, an individual acting as general manager of Chocolat-Menier at Hoboken, N. J., alleging shipment within the period from on or about January 27 to February 1, 1943, from the State of New Jersey into the States of New York and Connecticut of quantities of candy that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Chocolat Menier \* \* \* Vanilla Creams [or "Sour Orange," "Peanut Clusters," "Plantation," "Chocolate Caramels," or "Maple Cream Walnut"]".

On June 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 on the first count. The court also imposed \$500 on each of counts 2 to 9, inclusive, and 3 months imprisonment on each of the same counts, the prison sentences to run concurrently. The fines and prison sentences on counts 2 to 9, inclusive, were suspended and the defendant was placed on probation for 2 years.

**4941. Adulteration of candy. U. S. v. Phil Silvershein Corporation. Plea of guilty. Fine, \$1,000. (F. D. C. No. 8827. Sample Nos. 19083-F to 19085-F, incl.)**

On May 13, 1942, the United States attorney for the Southern District of New York filed an information against the Phil Silvershein Corporation at New York City, N. Y., alleging shipment on or about December 22, 1942, from the State of New York into the State of New Jersey of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence in the food of rodent and other animal hair fragments, insect parts and fragments, larvae, and dirt, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pineapple Clusters \* \* \*," or "Pioneer Topnotch Confections Milk Chocolate Brazil Nut Fancies [or "Little Chunky"]".

On June 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

**4942. Adulteration of candy. U. S. v. DeSoto Candy Co. Plea of nolo contendere. Fine, \$350. (F. D. C. No. 8818. Sample Nos. 28349-F, 28350-F, 29553-F.)**

Samples of these products were found to contain rodent hair fragments, insect fragments, whole insects, and feather fragments.

On April 15, 1943, the United States attorney for the Southern District of Florida filed an information against the DeSoto Candy Co., a corporation, at Miami, Fla., alleging shipment within the period from on or about November 9 to 12, 1942, from the State of Florida into the State of Georgia of quantities of candies that were